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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

GURMEET SINGH, ) No. C 07-2202 JCS

Plaintiff, )

v. )

U.S. Department of Homeland Security;  
 MICHAEL CHERTOFF, Secretary, U.S.  
 Department of Homeland Security; U.S.  
 Citizenship and Immigration Services;  
 EMILIO T. GONZALEZ, Director, U.S.  
 Citizenship and Immigration Services;  
 DAVID N. STILL, District Director, USCIS  
 San Francisco District Office; F. GERARD  
 HEINAUER, Director, USCIS Nebraska Service  
 Center,

Defendants. )

**STIPULATION TO HOLD CASE IN  
 ABEYANCE; AND [PROPOSED] ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby jointly ask this Court to hold the above-captioned case in abeyance pending a decision by the United States Citizenship and Immigration Services (USCIS), pursuant to 72 Fed. Reg. 9958-01 (March 6, 2007), on whether 8 U.S.C. § 1182(a)(3)(B)(iv)(VI) applies to the support the plaintiff provided, allegedly under duress, to a terrorist organization as described in 8 U.S.C. § 1182(a)(3)(B)(vi)(III).

1. The plaintiff is a native and citizen of India who entered the United States on September 11, 2001.

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1 1998, as a visitor for business.

2 2. On March 22, 1999, the plaintiff filed a Form I-589 application for asylum with USCIS, and  
3 an Immigration Judge in San Francisco granted that application.

4 3. After receiving his grant of asylum by the Immigration Judge, the plaintiff filed an I-485  
5 application with USCIS, pursuant to 8 U.S.C. § 1159, to adjust his status to lawful permanent  
6 resident (commonly referred to as a “green card” holder) on February 13, 2004.

7 4. In addition, on April 4, 2003, the plaintiff filed Form I-730 petitions at the Nebraska  
8 Service Center on behalf of his spouse, step-son, and so, pursuant to 8 U.S.C. § 1158(b)(3) (stating  
9 that an alien granted asylum may file a petition seeking to confer derivative asylum status upon a  
10 spouse or child under 8 U.S.C. § 1158(b)(3)).

11 5. The USCIS denied the plaintiff’s I-485 application on March 9, 2007, for two reasons.  
12 First, the USCIS found that the plaintiff had not fulfilled the statutory requirements for eligibility  
13 under 8 U.S.C. § 1159(b), because he had provided material support to members of the Khalistan  
14 Liberation Force. Second, the USCIS denied the plaintiff’s I-485 application in the exercise of its  
15 discretion.

16 6. The USCIS denied the plaintiff’s I-730 petitions in the exercise of discretion on March 9,  
17 2007, and April 11, 2007, based on the agency’s finding that because plaintiff has been denied  
18 adjustment of status, and he is wanted on an arrest warrant involving unresolved allegations of  
19 violent crimes, it would not be in the best interests of the United States to permit plaintiff to create  
20 additional ties to the United States by bringing his derivative spouse and children here.

21 7. The plaintiff filed an action in this Court on April 23, 2007, seeking review of the decisions  
22 by USCIS to deny his Form I-485 application for adjustment of status and the Form I-730 petitions  
23 that the plaintiff filed on behalf of his wife, step-son, and son.

24 8. Pursuant to a stipulation signed by this Court on October 3, 2007, the parties agreed to file  
25 cross-motions for summary judgment by November 12, 2007; to file cross-oppositions by  
26 November 26, 2007; to file cross-replies by December 3, 2007; and to participate in a hearing on  
27 February 15, 2008.

28 9. The parties have agreed that USCIS will *sua sponte* reopen the I-485 and I-730 proceedings

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1 to address whether, pursuant to 72 Fed. Reg. 9958-01 (March 6, 2007), 8 U.S.C. §  
2 1182(a)(3)(B)(iv)(VI) applies to the support the plaintiff provided, allegedly under duress, to a  
3 terrorist organization as described in 8 U.S.C. § 1182(a)(3)(B)(vi)(III).

4 10. The USCIS will *sua sponte* reopen the I-485 application and the I-730 petitions within 10  
5 days of the date the Court signs the parties' stipulation to hold this case in abeyance.

6 11. The plaintiff will then have 33 days to submit whatever materials and legal argument he  
7 wishes to USCIS in support of his application for adjustment of status (Form I-485 application)  
8 and asylee petitions (I-730 petitions).

9 12. Upon receipt of the plaintiff's submission, the USCIS will have 60 days to issue a decision  
10 on the I-485 application and the I-730 petitions.

11 13. Upon issuance of the USCIS' decision on the *sua sponte* motion to reopen, the parties will  
12 submit a status report and/or a briefing schedule, with a proposed hearing date.

13 Accordingly, the parties jointly ask this Court to vacate the briefing schedule and hearing date,  
14 and hold this case briefly in abeyance pending decisions by USCIS on the plaintiff's I-485  
15 application and I-730 petitions.

16  
17 Dated: November 13, 2007

Respectfully submitted,

18 SCOTT N. SCHOOLS  
19 United States Attorney

20 /s/  
21 EDWARD A. OLSEN  
22 Assistant United States Attorney  
23 Attorneys for Defendants

24 Dated: November 13, 2007

25 /s/  
26 ROBERT B. JOBE  
27 Law Offices of Robert B. Jobe  
28 Attorney for Plaintiff

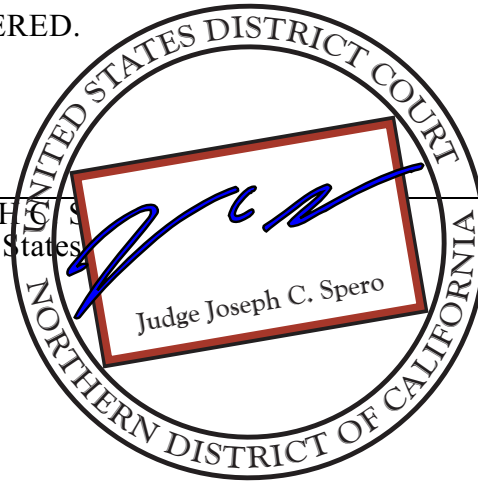
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**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 11/14/07

JOSEPH C. SPERO  
United States



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